

Update

MCA relaxes payment of additional fees on account of technical loopholes



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Having received representations from various stakeholders, regarding the dismal functioning of the Ministry of Corporate Affairs (MCA)'s site and consequent glitches faced, the MCA acknowledged the same and assured to take all necessary steps to smoothen the erroneous functioning of MCA's site.

Pursuant to above, MCA came out with a Circular vide no 03/20131 dated the February 8, 2013 ("**Circular**") whereby it has extended the last date of filing of e-forms under certain cases and relaxed the additional fees applicable on filing of forms as per the provisions of Companies Act, 1956 read with rules made there under which have been ought to be filed post transition of MCA 21 w.e.f January 17, 2013 but could not be filed on account of technical restraints.

Reproduced below is the text of the Circular, whereby the MCA has laid down points to be considered for relaxation by the Regional Director ("**RD**")/Registrar of Companies ("**ROC**") on case to case basis while granting relaxation of fees or extension of time limit pursuant to filing of forms by stakeholders in following circumstances:

1. If the last date of filing for forms where the due date is falling on or after January 17, 2013 then no additional fee shall be charged.
2. All the documents that have been expired on or after January 17, 2013 due to non- submission/re-submission, 'Pending for User Clarification' status will be restored in the MCA system.
3. The time limit for cases related to filing of court orders/competent authority where the due date/date of filing was falling on or after January 17, 2013 is extended without payment of additional fees.
4. Expiry of name availability due to non-submission of incorporation documents will be made available for filing of the same.
5. In case of charge documents the due date will be extended by the Regional Director on case to case basis where the due date of filing was falling on or after January 17,2013 and could not be filed.

Extension of due dates

With regard to above mentioned points it is hereby stated that the due dates have been extended till February 28,2013.

¹ The circular is available here : http://www.mca.gov.in/Ministry/pdf/General_Circular_03_2013.pdf



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However, is mentioning that the RD/ROC will examine the request on facts and circumstances of the case on the requisition of the stakeholders for extending the time frame for filing without levying additional fee.

How can stakeholders apply for extension of dates?

All the stakeholders can seek the benefit of this Circular of MCA by applying for extension of time, if not allowed by ROC/RD automatically, in the following manner:

Company/professional will make request by e-mail/post with RD/ROC along with supporting documents if any;

RD/ROC will raise ticket on service desk immediately after examining the application;

The team of operator will resolve the ticket as per the request of RD/ROC. A system generated mail will be sent to RD/ROC and user will be informed accordingly

User should file the documents within the time given in the email

However, it is relevant to mention that the stakeholders who are able to file the documents on or after January, 17, 2013 till the date of this circular are not eligible for any fees relaxation or extension of last dates. Further they are not entitled for any refund.



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The MCA has reacted to the problems in its system faced by its stakeholders, albeit, a bit late. It is commendable that MCA is taking all possible efforts to rectify the lacunae because of administrative issues in the best interest of the stakeholders to ensure them of hassle free operations.

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